

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of  
PADALINO, Ronald et al.  
Serial No.: 09/387,381  
Filed: September 2, 1999

Group Art Unit: 3624  
Examiner: Wasylchak, Steven R.

For: **SYSTEM AND METHOD FOR AUTOMATED DEBITING AND SETTLING OF  
FINANCIAL TRANSACTIONS**

**AMENDED APPEAL BRIEF**

Commissioner of Patents  
Mail Stop Appeal Brief-Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

**JAN 27 2004**

**TECHNOLOGY CENTER R3700**

Sir:

This is an Amended Appeal Brief under 37 C.F.R. § 1.192 in connection with the decision of the Examiner mailed on December 4, 2002. Each of the topics required by Rule 192 is presented herewith and is labeled appropriately.

**(1) Real Party In Interest**

The real party in interest is Citicorp Development Center, Inc.

**(2) Related Appeals And Interferences**

There are no other appeals or interferences related to this case.

**(3) Status Of Claims**

Claims 1-5, 7, 8, 10-13, 16-35, 37, 38, 56-61, 69, 70 and 76 are pending and all have been rejected.

No claims have been allowed.

Claims 6, 9, 14, 15, 36, 39-55, 62-68, and 71-75 have been canceled.

Claims 1-5, 7, 8, 10-13, 16-35, 37, 38, 56-61, 69, 70 and 76 are hereby appealed.

**(4) Status Of Amendments**

There are no amendments after final rejection.

**(5) Summary Of The Invention**

The invention involves a method and system for automated settlement of a financial transaction utilizing a telephone-based interactive voice response system to assist traveling customers and home bank staff in an emergency cash process that automates customer account debits, foreign exchange and settlement between businesses and provides choice of languages as well as scripted menus. See, e.g., p. 4, lines 13-22. The identification of a currency-dispensing entity, the caller, and the caller's home bank are received, and the caller's language is identified in connection with the emergency cash transaction, via the interactive voice response system. See, e.g., p. 11, line 1-p. 12, line 22. Thereafter, the interactive voice response system prompts the caller in the identified language, bridges the caller to the caller's home bank and enables the caller's home bank to receive the caller's request for the emergency cash transaction, to identify the caller's settlement account, and to calculate an approved amount based on checking the caller's settlement account balance via the interactive voice response system and a shared central network. See, e.g., p. 12, line 23-p. 15, line 24.

The amount that is approved is communicated to the currency-dispensing entity via the interactive voice response in a language and currency associated with the currency-dispensing entity, and settlement is automatically initiated that includes

communicating an approval by the currency-dispensing entity back to the caller's home bank via the interactive voice response system (See, e.g., p. 15, line 24-p. 17, line 22) and an on-line debit of the caller's settlement account and a corresponding credit of a currency-dispensing entity account via the interactive voice response system and the central network. See, e.g., p. 17, line 23-p. 22, line 25. Thus, upon receipt of the on-line debit message via the shared central network from the interactive voice response system (See, e.g., p. 19, line 24-p. 21, line 2), the transaction amount is simultaneously credited to the settlement account of the foreign branch bank as the currency-dispensing entity and debited to the settlement account of the caller's home bank. See, e.g., p. 22, line 6-p. 23, line 16.

**(6) Issues**

a) Whether the Examiner's rejection of claims 1-5, 7, 8, 10-13, 16-20, 32-35, 37, 38, 56-60, and 76 under 35 U.S.C. § 102 as being anticipated by Jennings et al. (U.S. Patent No. 5,794,218) is proper.

b) Whether the Examiner's rejection of claims 69 and 70 under 35 U.S.C. 103(a) as being unpatentable over Jennings et al. (U.S. Patent No. 5,794,218) in view of Marcous et al. (U.S. Patent No. 5,650,604) is proper.

c) Whether the Examiner's rejection of claims 21-31 and 61 under 35 U.S.C. § 103(a) as being unpatentable over Jennings et al. (U.S. Patent No. 5,794,218) in view of the article entitled "Electronic Evolution" is proper.

**(7) Grouping of Claims**

Claims 1-5, 7, 8, 10-13, 16-35, 37, 38, 56-61, 69, 70 and 76 are arranged into the groups listed below. Claims within a group stand and fall together. Groups of claims, however, do not stand or fall together with other groups of claims.

GROUP	CLAIMS
I	1-5, 7, 8, 10-13, 16-20, 32-35, 37, 38, 56-60, and 76
II	69 and 70
III	21-31 and 61

(8) Argument

**The Rejection of Claims 1-5, 7, 8, 10-13, 16-20, 32-35, 37, 38, 56-60, and 76 as Anticipated by Jennings et al. Is Improper**

Specifically, independent method claims 1 and 76 and independent system claim 56 propose a method and system for automated settlement of a financial transaction in which, once the interactive voice response system bridges the caller to the caller's home bank and the request for emergency cash is received, the settlement account is identified, and the approved amount is calculated and communicated to the currency-dispensing entity in its own language and currency, a settlement is automatically initiated that includes communicating the currency-dispensing entity's approval back to the caller's home bank via the interactive voice response system and an on-line debit of the caller's settlement account and corresponding credit of the currency-dispensing entity's account via the interactive voice response system and the central network. Claim 76 proposes further that on receipt of an on-line debit message by the shared central network from the interactive voice response system, the transaction amount is simultaneously credited to the foreign branch bank as the currency-dispensing entity and debited to the settlement account of the caller's home bank by the shared central network.

The Examiner considers that Jennings et al. reads on independent claims 1, 56, and 76. It is true that Jennings et al. disclose the bank's existing art interactive voice response system that prompts the customer for a language, establishes the country where the customer's bank account is located, translates the customer's request for local staff, and connects the customer to his or her home bank. See, e.g., Col 3, lines 1-10. It is also true that the existing art Jennings et al. system bridges the two phone calls, so the customer speaks to a customer service representative who verifies the customer's identity and authorizes the requested cash. See, e.g., Col 3, lines 29-36. In addition, the existing art Jennings et al. system may access an exchange rate

database, and when the customer service representative authorizes the emergency cash, the customer is handed cash at the local branch.

However, Jennings et al. do not disclose, suggest nor even address on-line settlement between the accounts of the customer and the local branch. Rather, Jennings et al. represents the bank's existing system that generates a weekly summary of transactions for settlement of the respective accounts. See, e.g., Col 6, lines 1-33. As pointed out by the applicants in the background section of the present application, in existing interactive voice response systems such as Jennings et al., once the transaction is authorized and the customer receives the currency, the transaction must be settled by transferring funds from the issuer (home bank) to the local acquirer (local branch). As also pointed out by the applicants, a delay in settlement (up to a week, according to Jennings et al.) can adversely affect one party or the other because of fluctuations in foreign exchange rates. As further pointed out by the applicants, settling transactions manually (from a weekly summary of transactions, according to Jennings et al.) can give rise to administrative errors, such as data-entry errors, and requires the use of trained employees, sometimes including employees with foreign language skills, to administer the settlement process. See, e.g., p. 1, line 27-p. 2, line 10.

Applicants' claimed automated settlement system overcomes the disadvantages of the bank's existing Jennings et al. type system by concluding the settlement in real time without delay by the on-line debit of the caller's settlement account and corresponding credit of the currency-dispensing entity's account as recited in independent claims 1 and 56 and by the simultaneous crediting of the transaction amount to the foreign branch bank as the currency-dispensing entity and debiting to the settlement account of the caller's home bank upon receipt of the on-line debit message as recited in independent claim 76. The above-noted aspects are not disclosed by Jennings et al. Specifically, Jennings et al. fail to provide key features of the invention, and the claimed invention is patentably distinct from the cited reference. Rather, the entire focus of Jennings et al. is on carrying out a financial transaction using an automated, multilingual interactive-system and is

entirely devoid of any mention of automated settlement according to applicants' claimed invention. The Jennings et al. patent does not read on the method and system for automated settlement contemplated by applicant's claimed invention.

Because each and every element as set forth in independent claims 1, 56, or 76 is not found, either expressly or inherently in the cited reference, the Examiner has failed to establish the required prima facie case of unpatentability. See Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987); See also MPEP §2131.

Claims 2-5, 7, 8, 10-13, 16-20, 32-35, 37 and 38 depending on claim 1 and claims 57-60 depending on claim 56 propose that the caller is prompted, and identification of the caller's language is received, via an automatic voice telephonic device as a dual tone multi-frequency signal and that the amount of currency approved for dispensing to the caller is communicated to the currency dispensing entity via the automatic voice, and one or more foreign exchange rates are accessed automatically, and further that initiating the settlement via the interactive voice response system involves communicating approval of the financial transaction to the caller's settlement account at the caller's home bank by the currency-dispensing entity as acquirer via the interactive voice response system, automatically communicating with the settlement account of the caller and forwarding a debit or cash withdrawal message to a business unit of the home bank as issuer, initiating movement of funds between the issuer and the currency-dispensing entity, and logging the transaction, including the identifications of the issuer and currency-dispensing entity, in a database, and generating a settlement report in which the financial transaction is separate from other transactions.

The Examiner has failed to establish the required prima facie case of unpatentability for independent claims 1 and 56 and similarly has failed to establish a prima facie case of unpatentability for claims 2-5, 7, 8, 10-13, 16-20, 32-35, 37 and 38 that depend on claim 1 and claims 57-60 that depend on claim 56 and which recite further specific elements that have no reasonable correspondence with the reference.

**The Combination of Jennings et al. and Marcous et al. to Reject Claims 69 and 70 Is Improper**

Independent claim 69 proposes that the automated settlement system includes an interactive voice response system with scripts in two or more languages that is preprogrammed to receive the identification of the currency-dispensing entity for the emergency cash request for the caller, an identification of the caller, the caller's home bank, and the caller's language in which to prompt the caller, and thereafter to bridge the caller to the caller's home bank. In addition, the interactive voice response system and a central network in communication with the interactive voice response system are preprogrammed to automatically initiate settlement of the financial transaction, which involves communicating approval by the currency-dispensing entity to the caller's home bank and an on-line debit of the caller's settlement account and corresponding credit to a currency-dispensing entity account via the central network. Claim 69 proposes further that the automated settlement system includes an issuer that maintains the caller's settlement account and that is in communication with the home bank via the central network, a foreign acquirer in communication with the home bank via the interactive voice response system, and a database in communication with the caller's home bank, the issuer, and the foreign acquirer via the central network. Claim 70 depending on claim 69 proposes that the database stores issuer and acquirer data related to financial transactions occurring over a pre-defined time period.

Jennings et al. do not disclose, suggest nor even address on-line settlement between the accounts of the customer and the local branch according to claim 69, but instead represents the bank's existing system that generates a weekly summary of transactions for settlement of the respective accounts. Consequently, Jennings et al. do not recite the required combination of limitations proposing the interactive voice response system and a central network in communication with the interactive voice response system that are preprogrammed to automatically initiate a settlement of the financial transaction that involves communicating approval by the currency-



dispensing entity to the caller's home bank and an on-line debit of the caller's settlement account and a corresponding credit to a currency-dispensing entity account via the central network, according to claim 69. Nor do Jennings et al. recite the required combination of limitations proposing further that the automated settlement system includes an issuer that maintains the caller's settlement account and that is in communication with the home bank via the central network, a foreign acquirer in communication with the home bank via the interactive voice response system, and a database in communication with the caller's home bank, the issuer, and the foreign acquirer via the central network, according to claim 69.

Marcous et al. do not cure the deficiencies of Jennings et al. Marcous et al. do not disclose, suggest nor even address on-line settlement between the accounts of the customer and the local branch according to claim 69, but instead disclose a system and method for sending cash over an existing ATM network, including internationally, using a security code instead of an ATM card. See, e.g., Col 10, lines 7-23. Thus, Marcous et al. do not recite the required combinations of limitations proposing the interactive voice response system and a central network in communication with the interactive voice response system that are preprogrammed to automatically initiate a settlement of the financial transaction that involves communicating approval by the currency-dispensing entity to the caller's home bank and an on-line debit of the caller's settlement account and a corresponding credit to a currency-dispensing entity account via the central network, according to claim 69. Nor do Marcous et al. recite the required combination of limitations proposing further that the automated settlement system includes an issuer that maintains the caller's settlement account and that is in communication with the home bank via the central network, a foreign acquirer in communication with the home bank via the interactive voice response system, and a database in communication with the caller's home bank, the issuer, and the foreign acquirer via the central network, according to claim 69.

Because the cited references, either alone or in combination, do not teach the limitations of independent claim 69, the Examiner has failed to establish the required

*prima facie* case of unpatentability. See In re Royka, 490 F.2d 981, 985 (C.C.P.A., 1974) (holding that a *prima facie* case of obviousness requires the references to teach all of the limitations of the rejected claim); See also MPEP §2143.03. Similarly, the Examiner has failed to establish a *prima facie* case of unpatentability for claim 70 that depends on claim 69.

**The Combination of Jennings et al. and the Article Entitled “Electronic Evolution” to Reject Claims 21-31 and 61 Is Improper**

Claims 21-31 depending on independent claim 1 and claim 61 depending on independent claim 56 propose that automatically debiting the caller's account involves communicating debiting information from the interactive voice response system to the central network and to an issuing front-end system, if available, and receiving a response from the issuing front-end system by the central network, logging the transaction by the database in communication with the central network, and transmitting confirming facsimiles to the home bank, including a transactions summary, and to the currency-dispensing entity.

The article entitled “Electronic Evolution” does not cure the deficiencies of Jennings et al. “Electronic Evolution” neither discloses, suggests nor even addresses on-line settlement between the accounts of the customer and the local branch according to claims 1 or 56, but instead mentions “widespread use of ABMs [ATMs] and more recently the growing popularity of *interactive video response (IVR)* systems and *automated* kiosks (ABM [ATM]-like machines that provide information and sell services)” and the “increased use of *IVR* systems for providing telephone banking services such as balance inquiries, bill payments and transfers between accounts”. See, e.g., p. 7.

Thus, “Electronic Evolution” does not recite the required combinations of limitations proposing conclusion of the settlement in real time without delay by the on-line debit of the caller's settlement account and corresponding credit of the currency-dispensing entity's account as recited in independent claims 1 and 56. Nor does

“Electronic Evolution” recite the required combinations of limitations proposing that automatic debiting of the caller’s account involves communicating debiting information from the interactive voice response system to the central network and to an issuing front-end system, if available, and receiving a response from the issuing front-end system by the central network, logging the transaction by the database in communication with the central network, and transmitting confirming facsimiles to the home bank, including a transactions summary, and to the currency-dispensing entity according to claims 21-31 depending claim 1 or claim 61 depending on claim 56.

Because the cited references, either alone or in combination, do not teach the limitations of independent claims 1 and 56, the Examiner has failed to establish the required *prima facie* case of unpatentability. See In re Royka, 490 F.2d 981, 985 (C.C.P.A., 1974) (holding that a *prima facie* case of obviousness requires the references to teach all of the limitations of the rejected claim); See also MPEP §2143.03. Similarly, the Examiner has failed to establish a *prima facie* case of unpatentability for claims 21-31 that depend on claim 1 or claim 61 that depends on claim 56.

**(9) Conclusion**

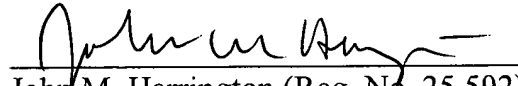
For at least the reasons given above, the rejections of claims 1-5, 7, 8, 10-13, 16-35, 37, 38, 56-61, 69, 70 and 76 are improper. Applicant respectfully requests the final rejection by the Examiner be reversed and claims 1-5, 7, 8, 10-13, 16-35, 37, 38, 56-61, 69, 70 and 76 be allowed. Attached below is an Appendix of claims 1-5, 7, 8, 10-13, 16-35, 37, 38, 56-61, 69, 70 and 76 for ease of reference.

This amended brief is being submitted in triplicate.

Respectfully submitted,

Date: 1/21/04

By:

  
John M. Harrington (Reg. No. 25,592)  
For George T. Marcou (Reg. No. 33,014)

KILPATRICK STOCKTON LLP  
607 14<sup>th</sup> Street, NW, Suite 900  
Washington, DC 20005  
(202) 508-5800

## APPENDIX OF CLAIMS

1. A method for automated settlement of a financial transaction, comprising:

receiving an identification of a currency-dispensing entity via an interactive voice response system in connection with a financial transaction comprising an emergency cash transaction for a caller;

receiving an identification of a caller language via the interactive voice response system and thereafter prompting the caller in the identified language;

receiving an identification of the caller and the caller's home bank via the interactive voice response system;

bridging the caller to the caller's home bank by the interactive voice response system;

receiving a request from the caller for the financial transaction by the caller's home bank via the interactive voice response system consisting at least in part of dispensing of a currency by the currency-dispensing entity to the caller;

communicating with the caller by the caller's home bank in the caller's language via the interactive voice response system at least in part to identify a settlement account for the caller;

calculating an amount of the currency approved for dispensing to the caller by the caller's home bank based at least in part on a check of the caller's settlement account balance via the interactive voice response system and a shared central network;

communicating to the currency-dispensing entity via the interactive voice response system the amount of currency approved for dispensing to the caller in a language and currency associated with the currency-dispensing entity; and

automatically initiating a settlement of the financial transaction consisting at least in part of communicating an approval by the currency-dispensing entity of the financial transaction to the caller's home bank via the interactive voice response system and on-line debiting of the caller's settlement account and corresponding credit of a currency-dispensing entity account via the interactive voice response system and the central network.

2. The method of claim 1, wherein receiving the identification of the caller language further comprises receiving the identification telephonically.

3. The method of claim 2, wherein receiving the identification of the caller language telephonically comprises receiving the identification as a dual tone multi-frequency signal.

4. The method of claim 3, wherein communicating with the caller in the caller's language comprises communicating with the caller with an automatic voice.

5. The method of claim 4, wherein communicating to the currency-dispensing entity the amount of currency approved for dispensing to the caller comprises communicating to the currency-dispensing entity with an automatic voice.

7. The method of claim 5, further comprising automatically accessing at least one foreign-exchange rate.

8. The method of claim 7, wherein automatically initiating the settlement of the transaction further comprises communicating with the caller's settlement account.

10. The method of claim 8, further comprising logging the financial transaction.
11. The method of claim 10, wherein logging the transaction further comprises logging an identification of an issuer and the identification of the currency-dispensing entity in a database.
12. The method of claim 11, wherein automatically initiating the settlement of the financial transaction further comprises automatically initiating a movement of funds between the issuer and the currency-dispensing entity.
13. The method of claim 11, wherein the currency-dispensing entity further comprises an acquirer.
16. The method of claim 1, wherein automatically initiating the on-line debit of the account of the caller comprises automatic communication with the settlement account of the caller.
17. The method of claim 16, wherein automatically initiating the on-line debit of the caller's account further comprises communicating with an issuer.
18. The method of claim 17, wherein the automatically initiating the on-line debit of the caller's account further comprises forwarding a debit message to the issuer.
19. The method of claim 18, wherein forwarding the debit message to the issuer further comprises forwarding the debit message to a business unit of the home bank.
20. The method of claim 19, wherein forwarding the debit message to the business unit of the home bank further comprises forwarding a cash withdrawal message to the business unit of the home bank.

21. The method of claim 1, wherein automatically initiating an on-line debit of an account of the caller further comprises communicating debiting information from the interactive voice response system to the central network.
22. The method of claim 21, further comprising determining if an issuing front-end system is available.
23. The method of claim 22, further comprising communicating with the issuing front-end system.
24. The method of claim 23, further comprising receiving a response from the issuing front-end system.
25. The method of claim 24, wherein the response is received by the central network.
26. The method of claim 25, further comprising communicating to the home bank that the home bank should not debit an account of the caller.
27. The method of claim 24, further comprising logging the transaction.
28. The method of claim 27, wherein the database is in communication with the central network.
29. The method of claim 26, further comprising transmitting a confirming facsimile to the home bank.
30. The method of claim 26, further comprising transmitting a confirming facsimile to the currency-dispensing entity.
31. The method of claim 26, further comprising sending a summary of the financial transaction to the home bank.
32. The method of claim 1, further comprising logging the transaction.



33. The method of claim 32, wherein logging the transaction comprises logging an issuer and an acquirer.

34. The method of claim 33, wherein automatically initiating a settlement of the financial transaction comprises automatically initiating movement of funds between logged acquirers and issuers.

35. The method of claim 34, wherein automatically initiating a settlement of the financial transaction further comprises communicating with the settlement account.

37. The method of claim 34 further comprising generating a settlement report.

38. The method of claim 37, wherein the settlement report comprises the financial transaction separated from other transactions.

56. A system for automated settlement of a financial transaction, comprising:

an interactive voice response system preprogrammed for receiving an identification of a currency-dispensing entity in connection with a financial transaction comprising an emergency cash transaction for a caller, receiving an identification of a caller language and thereafter prompting the caller in the identified language, and receiving an identification of a caller and the caller's home bank;

wherein the interactive voice response system is also preprogrammed for bridging the caller to the caller's home bank, receiving a request for the caller for the financial transaction consisting at least in part of dispensing of a currency by the currency-dispensing entity to the caller, and communicating with the caller in the caller's language at least in part to identify a settlement account for the caller;

a home bank system for calculating an amount of the currency approved for dispensing to the caller based at least in part on a check of the caller's settlement account balance via the interactive voice response system and a shared central network; and

wherein the interactive voice response system is further preprogrammed for communicating to the currency-dispensing entity the amount of currency approved for dispensing to the caller in a language and currency associated with the currency-dispensing entity and automatically initiating a settlement of the financial transaction consisting at least in part of communicating an approval by the currency-dispensing entity of the financial transaction to the caller's home bank and on-line debiting of the caller's settlement account and corresponding credit of a currency-dispensing entity account via a central network.

57. The system of claim 56, further comprising a telephonic device for receiving the identification of the caller language.

58. The system of claim 57, wherein the telephonic device further comprises an automatic voice.

59. The system of claim 56, further comprising means for automatically initiating the on-line debit of the account of the caller.

60. The method of claim 59, wherein the means for automatically initiating the on-line debit of the caller's account further comprises means for forwarding a debit message to an issuer.

61. The system of claim 60, wherein the means for automatically initiating the on-line debit of the account of the caller further comprises means for communicating debiting information from the interactive voice response system to the central network.

69. A system for automated settlement of a financial transaction, comprising:

an interactive voice response system comprising scripts in at least two languages and preprogrammed for receiving an identification of a currency-dispensing entity in connection with a financial transaction comprising an emergency cash request for a caller, receiving an identification of a caller language and thereafter prompting the caller in the identified language, receiving an identification of a caller and the caller's home bank, and bridging the caller to the caller's home bank;

wherein the interactive voice response system is also preprogrammed for automatically initiating a settlement of the financial transaction consisting at least in part of communicating an approval by the currency-dispensing entity of the financial transaction to the caller's home bank and for on-line debiting of the caller's settlement account and corresponding credit of a currency-dispensing entity account via a central network in communication with the interactive voice response system;

an issuer maintaining the caller's settlement account in communication with the home bank via the central network;

a foreign acquirer in communication with the home bank via the interactive voice response system; and

a database in communication with the caller's home bank, the issuer, and the foreign acquirer via the central network and storing data related to financial transactions occurring over a pre-defined time period, wherein the central network is preprogrammed to automatically initiate settlement of the emergency cash transaction.

70. The system of claim 69, wherein the database further comprises issuer data and acquirer data for the emergency cash transaction.

76. A method for automated settlement of a financial transaction, comprising:

receiving information identifying a foreign branch bank, a caller language, and a caller;

bridging the caller to a home bank;

receiving a request for a financial transaction consisting at least in part of dispensing of a currency by a foreign branch bank to the caller;

communicating with the caller in the caller's language;

calculating an amount of the currency approved for dispensing to the caller;

communicating to the foreign branch bank the amount of currency approved for dispensing to the caller in a language associated with the foreign branch bank;

communicating an approval of the financial transaction by the foreign branch bank to the caller's home bank via an interactive voice response system;

receiving an on-line debit message for the financial transaction by a shared central network from the interactive voice response system; and

simultaneously crediting an amount for the financial transaction to a settlement account associated with the foreign branch bank and debiting the amount for the transaction to the settlement account associated with the caller's home bank by the shared central network.